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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,543	02/21/2002	Artur Zak	659.00IPA	5932

25891 7590 08/12/2004

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EXAMINER

NGUYEN, JOSEPH D

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/082,543	ZAK, ARTUR	
	Examiner	Art Unit	
	Joseph D Nguyen	2683	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 February 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 June 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-5, and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Kim (6,278,884).

Regarding claim 1, Kim discloses a telephone instrument that is adapted both for making and receiving telephone calls, and also for emergency alarming and automatic dialing to a predetermined telephone number in the event that an alarm situation is detected (abstract, fig.2-4); comprising

a) a housing (#10 fig. 1);

b) dial pad (#12 fig. 1) means in the housing for dialing to make an outgoing call, the dial pad means including means permitting the user to select a number for automatic dialing (col. 3 lines 51-63);

c) receiver (#14 fig. 1) means including a voice pickup and a speaker (#15 fig. 1) for picking up a user's voice and providing an audible voice signal to the user during a telephone conversation (#44 fig. 2, col. 4 lines 7-19);

d) an emergency condition sensor mounted on the housing (#16 fig. 1-2, col. 2 lines 44-62); and

e) means within the housing for automatically dialing the number selected by the user after said emergency condition sensor detects that said emergency condition exists (col. 3 line 60).

Regarding claim 2, Kim further discloses the telephone instrument of claim 1 wherein said emergency condition sensor includes a motion sensor for detecting the presence of an intruder in an area in which the telephone instrument is located (#16 fig. 2, col. 2 lines 60-62).

Regarding claim 3, Kim further discloses the telephone instrument of claim 1 wherein said instrument is a portable cellular phone (abstract, fig. 2).

Regarding claim 4, Kim further discloses the telephone instrument of claim 1 further comprising an ultra-sensitive microphone and means for actuating same when said sensor detects an emergency condition (#14 fig. 2, col. 2 line 44 thru col. 3 line 7).

Regarding claim 5, Kim further discloses the telephone instrument of claim 4 further comprising an alarm sounder within said housing, and means for actuating said sounder after the sensor detects that said emergency condition exists (#52 fig. 2, col. 2 line 44 thru col. 3 line 7).

Regarding claim 10, Kim further discloses the telephone instrument of claim 5, further including a panic button feature including means for accepting manual actuation by the user, and means connected therewith for actuating the automatic dialing means and said alarm sounder (col. 3 lines 1-63).

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (6,278,884) in view of Okamoto (6,633,231).

Regarding claim 6, Kim further discloses the telephone instrument of claim

1. However, Kim does not specifically disclose an additional sensor for detecting a second emergency condition, and means connecting with said means for automatically dialing, so that said instrument automatically dials said selected number when said additional sensor detects that said second emergency condition exists.

Okamoto teaches an additional sensor for detecting a second emergency condition, and means connecting with said means for automatically dialing, so that said instrument automatically dials said selected number when said additional sensor detects that said second emergency condition exists (#20B fig. 7, col. 11 line 12 thru col. 12 line 30). Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the Kim system with the teaching of Okamoto of an additional sensor for detecting a second emergency condition in order to provide the auto-dialing when the fire breaks out in the warehouse.

Regarding claim 7, Okamoto further discloses the telephone instrument of claim 5 further comprising an additional sensor for detecting a second emergency condition, and means connecting with said means for automatically dialing, so that said instrument automatically dials said selected number when said additional sensor detects that said second emergency condition exists, and means for actuating said sounder after said second sensor detects that said second emergency condition exists (#20B fig. 7, col. 3 lines 15-23, and col. 11 line 12 thru col. 12 line 30). Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the Kim system with the teaching of Okamoto of an additional sensor for detecting a second emergency condition in order to provide the auto-dialing when the fire breaks out in the warehouse.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (6,278,884) in view of Merendini et al. (5,825,280).

Regarding claim 8, in the modified Kim system, Kim further discloses the telephone instrument of claim 7 wherein said sounder emits for the emergency condition (col. 2 line 44 thru col. 3 line 1). However, Kim does not specifically disclose the sounder emits two distinct audible sounds, one when said first condition is detected and the other when said second condition is detected.

Merendini et al. teaches the sounder emits two distinct audible sounds, one when said first condition is detected and the other when said second condition is detected (col. 3 lines 8-39). Therefore, it would have been obvious to

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one ordinary skilled in the art at the time the invention was made to modify the Kim system with the teaching of Merendini et al. of the sounder emits two distinct audible sounds, one when said first condition is detected and the other when said second condition is detected in order to indicate the urgency condition and situation in an emergency environment.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (6,278,884) in view of Max (3,634,846).

Regarding claim 9, Kim further discloses the telephone instrument of claim 5. However, Kim does not specifically disclose means for selectively disabling said alarm sounder to permit the user to select a silent alarm mode in which the instrument dials to the selected number, but does not alert an intruder that the emergency condition has been detected.

Max teaches means for selectively disabling said alarm sounder to permit the user to select a silent alarm mode in which the instrument dials to the selected number, but does not alert an intruder that the emergency condition has been detected (col. 6 line 34-58). Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the Kim system with the teaching of Max of selectively disabling said alarm sounder and to dial the selected number without alerting an intruder in order to inform the police authorities of the emergency incident.

7. Any response to this action should be mailed to:

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Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 308-9051 (for formal communication intended for  
entry)

Or: (703) 305-9509 (for informal or draft communications, please  
label "PROPOSED" OR "DRAFT")

Hand-delivered responses should be brought to Crystal Park II,  
2121 Crystal Drive, Arlington, VA. Sixth floor (Receptionist).

Any inquiry concerning this communication or earlier communications from  
the examiner should be directed to Joseph D Nguyen whose telephone number  
is (703) 605-1301. The examiner can normally be reached on 7:00 AM to 4:30  
PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
supervisor, William Trost can be reached on (703) 308-5318. The fax phone  
numbers for the organization where this application or proceeding is assigned  
are (703) 872-9314 for regular communications and (703) 872-9314 for After  
Final communications.

Any inquiry of a general nature or relating to the status of this application  
or proceeding should be directed to the receptionist whose telephone number is  
(703) 306-0377.



Joseph Nguyen



Aug. 2, 2004



**WILLIAM TROST**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**